

SENATE BILL 3226

By Berke

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 5, relative to the state's right of
subrogation involving medical assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-117(g), is amended by deleting the first two sentences of the subsection and by substituting instead the following:

Before the entry of the judgment or settlement in a personal injury case, the plaintiff's attorney shall contact the bureau of TennCare, which shall be responsible for determining any subrogation interest the state may have. The bureau shall designate only one office for contact by the plaintiff's attorney and the bureau shall be responsible for determining any amounts known by the state or by any entity acting pursuant to subsection (f) in order to determine if the state has a subrogation interest. The bureau of TennCare shall respond to the plaintiff's attorney in writing within thirty (30) days with a determination of the amount of the subrogation interest or any such claim by the state is waived. After the thirty (30) day period has passed, the plaintiff's attorney shall inform the court regarding the results of the attorney's contact with the state and of any waiver by the state resulting from failure to respond to the attorney.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.